

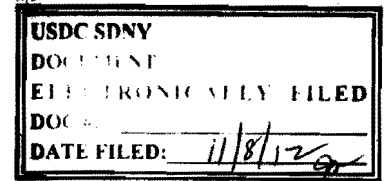


**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

November 7, 2012



**MEMO ENDORSED**

**BY ELECTRONIC MAIL**

The Honorable Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Leonides Sierra et al.*, Group A Defendants  
S1 11 Cr. 1032 (PAE)**

Dear Judge Engelmayer:

The Government respectfully writes to request an adjournment of the conference scheduled for the Group A defendants on November 13, 2012 at 10:00 a.m. As of the writing of this letter, there are 14 remaining defendants in Group A. Of the fourteen remaining defendants, two defendants are scheduled to enter a guilty plea. The Government is engaged in serious plea negotiations with the other 12 remaining defendants and, for several, the parties have a plea in principle and will be scheduling change of plea hearings with the Court in the coming weeks. In light of these plea negotiations and because there are no pending motions necessitating an evidentiary hearing or oral argument, the Government believes it would be most efficient for all the parties to seek a 30-day adjournment of the conference to allow the parties to finalize their plea negotiations.

Should the Court grant the Government's request, the Government also respectfully requests that time be excluded under the Speedy Trial Act from today's date until the next conference date set by the Court. The exclusion of time would be in the interest of justice because it would allow the parties to continue to engage in discussions regarding a possible disposition of this case.

Hon. Paul A. Engelmayer  
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I have communicated with counsel for 12 of the remaining defendants and all consent to the Government's request for an adjournment and the exclusion of time. Despite numerous telephone messages and emails since November 5, 2012 to Mr. Charles Hochbaum, Esq., counsel for Donald Novas, I have been unable to communicate with Mr. Hochbaum to obtain his consent. Additionally, I have not spoken to Joseph Grob, Esq., counsel for Joe Feliciano, however a conference is scheduled for Mr. Feliciano for November 8, 2012 and the Government expects that he will enter a guilty plea at that time.

Respectfully submitted,

PREET BHARARA  
United States Attorney

By: /s/  
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Joseph Grob, Esq.  
Jason Foy, Esq.  
Charles Hochbaum, Esq.  
George R. Goltzer, Esq.  
Henry Steinglass, Esq.  
Matthew Kluger, Esq.  
Marlon Kirton, Esq.  
John Kaley, Esq.

The request is granted. The November 13, 2012 conference is adjourned. The next conference as to the Group A defendants is scheduled for December 13, 2012, at 10 A.M. Time is excluded until December 13, 2012 (1) pursuant to 18 USC § 3161(h)(1)(G), to permit the parties to continue plea discussions; and (2) 18 USC § 3161(h)(7), the Court having found that the interests of justice served by this continuance outweigh the interests of the public and the defendants in a speedy trial.

11/8/12

**SO ORDERED:**

*Paul A. Engelmayer*

HON. PAUL A. ENGELMAYER  
UNITED STATES DISTRICT JUDGE